

WAC 246 -360 CHAPTER 246-360 WAC

TRANSIENT ACCOMMODATIONS

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246-360-060 Swimming pools, spas, hot tubs, wading pools, bathing beaches. [Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-060, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-060, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-071, filed 5/17/89.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-360-170 Travel trailers and mobile homes. [Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-170, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-170, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-181, filed 5/17/89.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.
246-360-190 Housekeeping equipment and procedures. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-190, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-201, filed 5/17/89.] Repealed by 94-23-077, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 70.62.240.
246-360-210 Separability. [Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-210, filed 12/27/90, effective 1/31/91; Order 71, § 248-144-250, filed 4/11/72.] Repealed by 97-20-100, filed 9/29/97, effective 10/30/97. Statutory Authority: RCW 43.20.050.

WAC 246-360-001 Scope and purpose. (1) This chapter outlines the minimum public health and safety standards for the licensure and operations of transient accommodations in Washington State.

(2) This chapter applies to facilities offering three or more lodging units to guests for periods of less than thirty days, including but not limited to:

- (a) Hotels;
- (b) Motels;
- (c) Bed and breakfast establishments;
- (d) Resorts;
- (e) Rustic resorts;
- (f) Inns;
- (g) Condominiums;
- (h) Apartments;
- (i) Crisis shelters;
- (j) Homeless shelters;
- (k) Hostels; and
- (l) Retreats.

(3) The requirements in WAC 246-360-001 through 246-360-500 are adopted by the board of health pursuant to RCW 70.62.240. WAC 246-360-990 is adopted by the department of health pursuant to RCW 43.70.110 and 43.70.250.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-001, filed 11/16/94, effective 12/17/94; 92-02-019 (Order 225B), § 246-360-001, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-001, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-010, filed 5/17/89; Order 71, § 248-144-010, filed 4/11/72.]

WAC 246-360-010 Definitions. For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) "Approved" means a written statement of acceptability issued by a governmental agency or meeting nationally recognized testing standards.

(2) "Bathing fixture" means a shower, bathtub, or combination bathtub shower.

(3) "Bathroom" means a room containing a bathing fixture.

(4) "Bed and Breakfast" means a private home or inn offering lodging on a temporary basis to transient guests, such as travelers and tourists, and which may provide food service.

(5) "Board" means the Washington state board of health established under chapter 43.20 RCW.

(6) "Clean" means without visible or tangible soil or residues.

(7) "Construction" means:

(a) A new building to be used as a transient accommodation or part of a transient accommodation;

(b) An addition, modification or alteration that changes the functional use of an existing transient accommodation or portion of a transient accommodation;

(c) An existing building or portion thereof to be converted for use as a transient accommodation; or

(d) A modification requiring a building permit by a local authority having responsibility for enforcing state and local building codes or local ordinances.

(8) "Crisis shelter" (for the purpose of these rules, the terms "crisis shelter" and "homeless shelter" are interchangeable) means a transient

accommodation providing emergency or planned lodging services to a specific population, for periods of less than thirty days at a permanent physical location. A crisis shelter may or

may not be reimbursed for services in the form of rental fee or labor.

(9) "Department" means the Washington state department of health.

(10) "Dormitory" means a lodging unit containing beds, cots, pads, or other furnishings intended for sleeping or used by a number of guests.

(11) "Exemption" means a written authorization from the department which releases a licensee from meeting a specific requirement or requirements provided they still meet the intent of the regulation.

(12) "Guest" means any individual occupying, or registered to occupy, a lodging unit.

(13) "Hostel" means a transient accommodation offering limited services, including lodging and use of a common kitchen, to guests on a daily or weekly basis in exchange for a rental fee, labor, or a combination of rental fee and labor.

(14) "Imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety.

(15) "Laundry" means a central area or room with equipment used to clean and dry bedding, linen, towels, and other items, including similarly equipped rooms for guests' use.

(16) "Licensee" means the person or organization to whom the department issues the transient accommodation license.

(17) "Local health jurisdiction" means the city, town, county or district which provides public health services to individuals within the area according to the provisions of chapters 70.05 and 70.08 RCW.

(18) "Lodging unit" means one self-contained unit, uniquely and separately designated by number, letter, or other means of identification.

(19) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(20) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(21) "Rustic resort" means a rural transient accommodation lacking many modern conveniences. These may be seasonal operations.

(22) "Sanitary" means hygienic conditions that are conducive to good health.

(23) "Sanitize" means to treat a surface or object with a chemical or physical process, such as heat, to control or limit the presence of germs. For purposes of these regulations, "sanitize" and "disinfect" are equivalent.

(24) "Self-contained unit" means an individual room or group of interconnected rooms for rent or use by a guest and intended for sleeping, which may or may not include areas for cooking and eating.

(25) "Self-inspect" means the evaluation of a transient accommodation by the licensee for compliance with specific requirements in this chapter.

(26) "Sink" means a properly trapped plumbing fixture, capable of holding water, with approved potable running hot and cold water under pressure.

(27) "State building code" means the codes or groups of codes as adopted by the state building code council.

(28) "Survey" means to examine or inspect a transient accommodation to determine if minimal health and safety standards are met, as outlined in chapter 246-360 WAC. A survey may require one or more site visits and is generally

unannounced. For purposes of these regulations, a survey and inspection are equivalent.

(29) "Surveyor" means a Washington State department of health employee who conducts a health and safety survey of transient accommodations. For purposes of these regulations, the terms surveyor and inspector are equivalent.

(30) "Transient accommodation" means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than thirty days and may include food service operations.

(31) "Transitional housing" means a program offering lodging for periods exceeding thirty days for the purpose of helping unemployed, homeless individuals to obtain employment and housing. Transitional housing is not a transient accommodation.

(32) "Usable floor area" means the area of a lodging unit with a minimum of a seven-foot ceiling used for living, sleeping or eating. Ceiling heights under seven feet may only be used for placement of shelves and cabinets. Bathrooms, water closet compartments, closets, halls, storage or utility space and similar areas are not considered useable floor area.

(33) "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling food or drink, excluding commercial vending and storage equipment.

(34) "Vector" means an animal that transmits a disease-producing organism from one host to another. For example, mosquitoes transmit malaria to man.

(35) "Water closet" means a fixture filled with water, having a hinged seat and flushing device used to dispose of body waste. This may include chemical or incineration toilets. For the purposes of these regulations, "water closet" and "toilet" are used interchangeably.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-010, filed 11/16/94, effective 12/17/94; 92-02-019 (Order 225B), § 246-360-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-010, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-020, filed 5/17/89; Order 71, § 248-144-020, filed 4/11/72.]

WAC 246-360-020 Licensure. (1) A person must have a current license issued by the department before operating or advertising a transient accommodation.

(2) An applicant for initial licensure must submit to the department, sixty days or more before commencing business:

- (a) A completed application on forms provided by the department;
- (b) A completed self-inspection form provided by the department;
- (c) The fee specified in WAC 246-360-990;

(d) A completed uniform business identifier number form, provided by the department; and

- (e) Other information as required by the department.

(3) A licensee must apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:

- (a) A completed application on forms provided by the department;
- (b) A completed self-inspection form provided by the department;
- (c) The fee specified in WAC 246-360-990;

(d) A completed uniform business identifier number form, provided by the department; and

- (e) Other information as required by the department.

(4) At least thirty days prior to transferring ownership of a transient accommodation:

- (a) The current licensee must submit to the department:
 - (i) The full name and address of the current licensee and prospective owner;
 - (ii) The name and address of the currently licensed transient accommodation, and the name under which the transferred transient accommodation will operate;
 - (iii) The date of the proposed change of ownership; and
 - (iv) Other information as required by the department; and
- (b) The prospective new owner must apply for licensure by submitting to the department the items required by subsection (2) of this section.
- (5) A licensee must notify the department when changing the number of lodging units or the name of the transient accommodation by submitting:
 - (a) A letter describing the intended change;
 - (b) The fee specified in WAC 246-360-990 for an amended license; and
- (c) Other information as required by the department.
- (6) The licensee must notify the department prior to using construction as defined in 246-360-010(9) by submitting:
 - (a) A description of the construction;
 - (b) A description of how the construction will be used;
 - (c) A description of any changes in the functional use of existing construction;
 - (d) Documentation of approvals issued by local authorities having jurisdiction; and
 - (e) Other information as required by the department.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-020, filed 11/16/94, effective 12/17/94; 92-02-019 (Order 225B), § 246-360-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 34.05 RCW and RCW 42.20.050. 90-06-049 (Order 040), § 248-144-031, filed 3/2/90, effective 3/2/90. Statutory Authority: RCW 43.20.050. 89-11-058 (Order 328), § 248-144-031, filed 5/17/89.]

WAC 246-360-030 Responsibilities and rights -- Licensee and department. (1)

The licensee must:

- (a) Comply with the provisions of chapter 70.62 RCW and this chapter;
 - (b) Comply with standards adopted by the state building code council.
- Documentation of compliance is required;
- (c) Make available a copy of the current transient accommodation license to guests or department surveyor upon request;
 - (d) Cooperate with the department during on-site surveys and investigations;
 - (e) Conduct self-inspections as requested by the department;
 - (f) Respond to a statement of deficiencies by submitting to the department, according to the dates specified. For the purposes of this section, a statement of deficiencies means a written notice of any violation of chapter 70.62 RCW or the rules adopted thereunder which describe the reasons for noncompliance.

Responses include:

- (i) A written plan of correction for each deficiency stated in the report. For the purposes of this section, a plan of correction is a proposal devised by the licensee or applicant including specific actions to be taken and a timeframe to accomplish them. The department must accept it. Implementation is subject to verification by the department;
- and

- (ii) A progress report of corrections, if required. For the purposes of this section, a progress report means a document prepared by the licensee outlining the completion or ongoing status of correcting deficiencies or

violations cited in an inspection. The progress report is sent to the department as directed;

(g) Comply with a compliance schedule if issued by the department. For the purposes of this section, a compliance schedule means a document listing violations and a time schedule for the licensee to follow and correct violations;

(h) Adequately supervise employees and facility premises to ensure the transient accommodation facility is:

(i) Clean, safe, and sanitary; and

(ii) In good repair.

(i) Establish policies and procedures requiring employees to maintain good personal hygiene;

(j) Consult with the department or local health department on any suspected imminent health hazard;

(k) Have an emergency preparedness plan in the event of fire, power failure, natural or other disasters. An on-going annual, or more often as needed, training procedure of implementing the emergency preparedness plan must be documented; and

(1) Assure that the facility manager or designee is on-site or readily available by pager or phone at all times the facility is providing accommodations to guests.

(2) An applicant or licensee may contest a department decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(3) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license;

(b) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 70.62 RCW and this chapter;

(c) Issue or renew a license when the applicant or licensee and the facility meet the requirements in chapter 70.62 RCW and this chapter;

(d) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;

(e) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and

(f) Comply with RCW 43.70.095 when assessing civil fines.

(4) The department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation;

(iii) During an on-site survey; or

(iv) In a self-inspection;

(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;

(d) Knowingly or with reason to know, compromises the health or safety of a guest;

(e) Refuses to allow the department access to facilities or records relating to public health and safety. If all rooms are rented or if a specific

room identified in a complaint is not available, the licensee must arrange an appointment to meet with the surveyor during the next business day;

(f) Refuses to provide access to the physical transient accommodation facility for the surveyor per 70.62.250(2) RCW;

(g) Fails to pay a fine within thirty days after the assessment becomes final

or as agreed to by the department and the licensee; or

(h) Operates with a suspended or revoked license.

(5) The department may address deficiencies that do not meet the requirements of licensure in one of the following three ways:

(a) A plan of correction may be required where the department determines that deficiencies are not major, broadly systemic or of a recurring nature;

(b) A directed plan of correction may be offered by the department as an alternative to administrative action, where the department finds deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. A directed plan of correction is a plan of correction that is devised at least in part by the department. It will specify how the licensee will address citations described in a statement of deficiencies. The final content of the directed plan will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. A major purpose of the directed plan of correction is that a plan to address deficiencies is devised rapidly, and promptly implemented. Timelines will be reduced to the minimum necessary, even prior to formalization of the plan to redress problems; or

(c) Administrative action is a process initiated under chapter 34.05 RCW.

(i) Failure to move quickly and in good faith to address problems shall be a basis for taking administrative action.

(ii) An administrative action results in a hearing before a presiding officer and the issuance of formal findings and directed order; and

(iii) The administrative action and any resulting order constitute formal action under the provisions of 34.05 RCW.

(6) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-030, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-030, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-041, filed 5/17/89.]

WAC 246-360-040 Water supply and temperature control. The licensee must:

(1) Provide documentation that shows the water supply system is in compliance with state board of health

standards for public water systems, chapters 246-290 and 246-291 WAC;

(2) Ensure that the water system serving the transient accommodation is free of cross connections. Cross connection means any actual or potential physical connections between a public water system or the consumer's water system and any source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow;

(3) Provide hot and cold water under adequate pressure accessible to guests at all times when rented;

(4) Provide sinks and bathing fixtures used by guests with hot water between 105 and 120 degrees Fahrenheit accessible at all times when rented; and

(5) Label nonpotable water supplies at all accessible connections and valves "unsafe for drinking or other domestic use."

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-040, filed 11/16/94,

effective 12/17/94; 92-02-019 (Order 225B), § 246-360-040, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-040, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-051, filed 5/17/89.]

WAC 246-360-050 Sewage and liquid waste disposal. The licensee must ensure sewage and liquid waste drain into:

- (1) A municipal sewage system if available; or
- (2) A sewage disposal system designed, constructed, and maintained in accordance with chapters 246-272 and 173-240 WAC and local ordinances.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-050, filed 11/16/94, effective 12/17/94; 92-02-019 (Order 225B), § 246-360-050, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-050, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-061, filed 5/17/89.]

WAC 246-360-070 Refuse and vectors. The licensee must:

- (1) Provide in each lodging unit, one or more washable, leak-proof refuse containers of adequate size, kept in sanitary condition, or an equivalent of container(s) with a leak-proof disposable liner;
- (2) Collect refuse as necessary to maintain a clean and sanitary environment in and around the facility;
- (3) Collect refuse from lodging units:
 - (a) After each guest occupancy; and
 - (b) At least every three days or more often as necessary to maintain a clean and sanitary environment in each guest's room;
- (4) Handle refuse in a safe, clean and sanitary manner;
- (5) Store outside refuse in washable, leak-proof, and closed covered containers, bins or dumpsters until removed for disposal, not to exceed two weeks;
- (6) Remove and dispose of refuse in a manner consistent with state and local sanitation codes and ordinances; and
- (7) Take measures to control vectors including insects, rodents and other pests, in and around the facility.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-070, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-070, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-081, filed 5/17/89.]

WAC 246-360-080 Construction and maintenance. The licensee must ensure:

- (1) All buildings, facilities, fixtures, furnishings and surroundings meet the requirements of:
 - (a) Chapter 70.62 RCW and this chapter;
 - (b) Chapter 19.27 RCW state building code; (c) All other applicable city and county codes and ordinances; and
 - (d) The applicable building code requirements are the code in effect at the time of construction. However, if the use and occupancy was not legal at the time of construction and it is a danger to life and safety, corrections are required.
- (2) All buildings, facilities, fixtures, and furnishings are structurally sound, safe, clean, sanitary and in good repair; and
- (3) All common areas, including exercise rooms, public bathrooms, kitchens, utility sinks and guest laundry rooms are kept clean, safe, sanitary and in good repair.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-080, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-080, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-091, filed 5/17/89.]

WAC 246-360-090 Lodging units. The licensee must provide lodging units with:

- (1) At least fifty square feet of total useable floor area for each guest;
- (2) Adequate space to provide at least a three foot clear access aisle to allow easy movement between beds, cots, mats or mattresses;
- (3) Floors, ceilings, doors and walls kept clean and in good repair;
- (4) Carpet, windowsills, window tracks, electrical switches, locking mechanisms and receptacle plates are kept clean and in good repair;
- (5) Wall and ceiling mounted lighting fixtures firmly secured and kept in good repair; and
- (6) If provided, phones or other reliable communication devices connected to or supplied to each unit must be capable of allowing communication to police, fire department, paramedic, poison control, hazardous material team or other local emergency responder and connected without delay.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-090, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-090, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-101, filed 5/17/89.]

WAC 246-360-100 Bathrooms, water closets, and hand washing sinks. The licensee must:

- (1) Provide adequate private or common-use bathrooms, water closets and hand washing sinks to meet the needs of guests;
- (2) Provide private and common-use bathrooms, water closets, and hand washing areas with cleanable floors, walls, ceilings, fixtures and furnishings;
- (3) Provide an uncarpeted, easily cleanable area around each water closet and adjacent to each bathing fixture;
- (4) Maintain safe and properly working fixtures and drains;
- (5) Provide slip resistant appliques, mats, or other devices in bathtubs and/or showers;
- (6) Provide a means to maintain privacy for toileting and bathing;
- (7) Provide water flush water closets unless the licensee has approval from the department and local health jurisdiction for alternative devices;
- (8) Provide a hand washing sink or equivalent within, or adjacent to, each water closet room;
- (9) Provide easy access to an acceptable single-use drying device from each common-use hand washing sink;
- (10) Provide toilet tissue conveniently located by each toilet;
- (11) Provide soap for each hand washing and bathing fixture;
- (12) Provide an adequate supply of clean towels, washcloths and floor mats:
 - (a) For guests upon arrival; and
 - (b) At least weekly or at the request of the guest;
- (13) Assure clean towels, washcloths and floor mats kept in lodging units and common bathrooms are stored in a clean area off the floor; and

(14) Provide common-use bathrooms, water closet rooms and hand washing sinks meeting the requirements of this section in a ratio of one bathing fixture, one water closet and one hand washing sink for each fifteen or fewer guests not having such fixtures in their lodging units.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-100, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-100, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-111, filed 5/17/89.]

WAC 246-360-110 Lodging unit kitchens. (1) For the purposes of these rules, lodging units with only a microwave and mini-refrigerator are exempted from this section.

(2) A licensee offering kitchens in lodging units must provide each kitchen with:

- (a) Cleanable and durable floors and walls;
 - (b) Effective December 31, 2004, carpets located in unit kitchens must be replaced with cleanable, durable floor covering in good repair;
 - (c) Ventilation according to the provisions of WAC 246-360-140;
 - (d) A sink, other than a "hand washing sink", and defined as a "kitchen sink" shall be of a sufficient size to accommodate the largest utensil in the lodging unit;
 - (d) Hot running water according to the provisions of WAC 246-360-040;
 - (e) The refrigeration device shall:
 - (i) Be capable of maintaining food at a temperature of 45 degrees Fahrenheit or lower; and
 - (ii) Be kept in good repair and in sanitary condition;
 - (f) Permanently installed cooking equipment meeting nationally recognized testing standards and installed according to local building codes;
 - (g) A cleanable, non-absorbent food storage area;
 - (h) A cleanable table, counter, and chairs, or equivalent; and
 - (i) A washable, leak-proof waste container kept in sanitary condition or equivalent container with a disposable leak-proof liner.
- (3) The licensee shall clean and sanitize food preparation areas, refrigerator and reusable utensils between each guest occupancy.

(4) A licensee providing utensils shall comply with the provisions of WAC 246-360-160(2).

(5) A licensee shall discard all opened or unused food items left in the units by previous guests.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-110, filed 11/16/94, effective 12/17/94; 92-02-019 (Order 225B), § 246-360-110, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-110, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-121, filed 5/17/89.]

WAC 246-360-120 Heating and cooling. (1) The licensee must provide a safe, adequate means of maintaining an ambient air temperature of at least 65 degrees Fahrenheit in each lodging unit.

(2) A licensee providing a cooling system must keep the system safe, clean and in good working condition.

(3) All air filters must be cleaned or replaced regularly or as needed.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-120, filed 11/16/94,

effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-120, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-131, filed 5/17/89.]

WAC 246-360-130 Lighting. (1) The licensee must maintain light intensities adequate for safety.

(2) Upon request from a guest, provide additional light for tasks or general illumination.

(3) Provide emergency lighting to guests in the event of a power outage.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-130, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-130, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-141, filed 5/17/89.]

WAC 246-360-140 Ventilation. (1) The licensee must provide ventilation in all lodging units, kitchen areas, bathrooms, water closet rooms and laundry rooms.

(2) All areas of the building must be ventilated to minimize odors and moisture. The ventilation system must be in compliance with the Ventilation and Indoor Air Quality Act according to chapter 51-13 WAC.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-140, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-140, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-151, filed 5/17/89.]

WAC 246-360-150 Beds and bedding. A licensee providing beds must:

(1) Provide clean, sanitary mattresses and bedding in good repair;

(2) Maintain durable, clean and safe beds, cots, bunks, or other furniture for sleeping;

(3) Assure bunk beds, if used, have an unobstructed vertical space of at least thirty-six inches between each the bottom bunk, top bunk, and ceiling;

(4) Not provide, or allow the use of, triple bunk beds;

(5) Supply each bed, cot, or bunk with a clean mattress or cushioned pad, top and bottom

sheet, mattress pad, pillow, pillowcase and blankets unless the facility is a hostel.

(6) Ensure that blankets, bedspreads and mattress pads are cleaned regularly or more often when visibly soiled.

(7) Provide clean replacement pillowcases and sheets:

(a) For guests upon arrival; and

(b) At least weekly or as requested by a guest.

(8) Ensure that bedding kept in the lodging units is stored in a clean area off the floor.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-150, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-150, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-161, filed 5/17/89.]

WAC 246-360-160 Food and beverage services. (1) A licensee providing food service to guests must meet the requirements of:

(a) Chapter 246-215 WAC, Food service;

(b) Chapter 246-217 WAC, Food worker permits;

- (c) Local ordinances; and
- (d) Provide a copy of a current food service permit to the surveyor upon request, in addition to food handler's permits issued by the local health jurisdiction.
- (2) A licensee providing single-use and multiple-use cooking utensils and ice buckets for guests must ensure they are clean and sanitized:
 - (a) In lodging unit kitchens meeting the requirements in WAC 246-360-110; or
 - (b) In a clean and sanitary area separate from bathrooms, water closet rooms and adjoining hand washing sinks;
 - (c) Handle and store utensils and ice buckets in a safe and sanitary manner to protect from contamination; and
 - (d) Maintain reusable cooking utensils and ice buckets in good condition, free from cracks, chips and distortions caused by damage or excessive use.
- (3) If ice is provided, the licensee must store and dispense ice in a sanitary manner by:
 - (a) Cleaning and sanitizing ice machines at least twice a year or more often as needed or in accordance with the manufacturer's instructions; and
 - (b) Restricting guest access to unprotected bulk ice by:
 - (i) Providing self-dispensing ice machines or other "no contact" dispensing methods; or
 - (ii) Having employees with basic food handling training dispense bulk ice to guests.
- (4) The licensee must clean, maintain and properly adjust the water flow in drinking fountains to ensure there is adequate pressure.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-160, filed 11/16/94, effective 12/17/94; 92-02-019 (Order 225B), § 246-360-160, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-160, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-171, filed 5/17/89.]

WAC 246-360-180 Laundry. The licensee must:

- (1) Provide clean, sanitary bedding, linens, towels, washcloths and other items intended for guest use.
 - (a) Using a commercial laundry service; or
 - (b) Washing and sanitizing laundry in accordance with the washer's manufacturer's recommendations and detergent and sanitizer instructions; and
 - (c) When dryer is used, drying laundry in accordance with dryer's manufacturer's instructions.
- (2) Ensuring dryer lint screens are cleaned daily during normal operation or as needed.
- (3) Store the clean and sanitized bedding, linens, towels, washcloths and other items in an area:
 - (a) Designated for clean items only;
 - (b) Off the floor;
 - (c) Protected from contamination;
 - (d) Inaccessible to guests, pets or other animals; and
 - (e) Away from excessive moisture or humidity.
- (4) Provide a means for handling, transporting, and separating soiled bedding, linens, towels, washcloths and other items to prevent cross-contamination of clean items;

(5) Provide a laundry sink for washing hands with a single-use drying device or a mechanism for hand hygiene, which means antiseptic hand wash or antiseptis.

(6) Effective December 31, 2004, laundry room flooring must be uncarpeted and covered with an easily cleanable floor covering.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-180, filed 11/16/94, effective 12/17/94; 92-02-019 (Order 225B), § 246-360-180, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-180, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-191, filed 5/17/89.]

WAC 246-360-200 Safety, chemical, and physical hazards. The licensee must:

(1) Establish and follow policies and procedures for properly and safely storing, labeling and using all hazardous chemical agents or any substance bearing a warning label, such as cleaners, solvents, disinfectants and insecticides to assure they are:

(a) Stored to prevent contamination of clothing, towels, washcloths and bedding materials and away from food items or anything intended for consumption; and (b) Used according to manufacturer's precautions and recommendations; and

(2) Provide adequate and safe hand railing for all stairways, porches and balconies including appropriate spacing between slats;

(3) Eliminate all known environmental health and safety hazards in and around the facility, including hazards resulting from fire, natural or other disasters and chemical or biological contamination. The presence of any hazard must be fully eliminated prior to re-occupancy of any affected area or living unit. When a hazard is confirmed, approval from any and all appropriate local authorities is required prior to re-occupancy;

(4) A door providing access to a lodging unit must be equipped with a suitable locking security device in compliance with applicable building and fire codes; and

(5) If spas, pools and/or hot tubs are provided, the licensee must have available for review a copy of a current recreational water permit issued by the local health jurisdiction.

NEW SECTION

WAC 246-360-220 Fire Safety. The licensee must show evidence of current fire life and safety inspection conducted by the local fire jurisdiction. If unavailable, the surveyor may inspect the following:

(1) Smoke detectors are installed and maintained in all sleeping rooms or sleeping areas. Non-rechargeable batteries in smoke detectors must be replaced each year or per manufacturer's instructions. Rechargeable batteries must be charged and maintained or replaced per the manufacturer's instructions.

(2) Ensure that fire extinguishers are inspected when initially placed in service and thereafter at approximately thirty-day intervals. Fire extinguishers must be inspected, manually or by electronic monitoring, at more frequent intervals when circumstances require. Periodic inspection of fire extinguishers must include a check of at least the following items:

- (a) Location in designated place;
- (b) No obstruction to access or visibility;
- (c) Operating instructions on nameplate, legible and facing outward;
- (d) Safety seals and tamper indicators not broken or missing;

- (e) Fullness determined by weighing or "hefting";
 - (f) Examination for obvious physical damage, corrosion, leakage, or clogged nozzle;
 - (g) Pressure gauge reading or indicator in the operable range or position;
 - (h) Condition of tires, wheels, carriage, hose, and nozzle checked (for wheeled units); and
 - (i) Hazardous material identification system label in place.
- (3) Ensure that obstructions, including storage, are not placed in the required means of egress, except projections allowed by the building code. Means of egress must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Required exit doors must not be locked in the direction of egress unless the special egress control device is installed per the building code.
- (4) Ensure gas, oil-fired or other fuel-burning appliances including space heaters, fireplaces, dryers, stoves and water heaters are vented to the out-of-doors as specified in the manufacturer's instructions and current applicable state codes adopted by the state building code council.
- (5) Ensure extension cords are not used in transient accommodations without prior written approval from the local fire jurisdiction and made available for the surveyor's review.
- (6) Ensure candle holders and other open flame decorative devices are designed to return to the upright position after being tilted to an angle of 45 degrees from vertical except for liquid or solid fueled lighting devices containing more than eight ounces that self-extinguish and do not leak fuel at a rate of more than one-quarter teaspoon per minute if tipped over. The flame must be enclosed except as follows:
- (a) Openings on the side must not be more than three-eighths inch in diameter;
 - (b) Openings on the top and the distance to the top must be such that a piece of tissue paper placed on the top will not ignite in at least ten seconds; and
 - (c) Candelabras with flame lighted candles must be securely fastened in place to prevent overturning and located away from the occupant using the area and away from the possible contact with drapes, curtains or other combustibles.
- (7) If a fire alarm system is installed, the owner or the owner's designated representative must be responsible for the inspection, testing and maintenance of the fire alarm system, including:
- (a) The inspection, testing, and maintenance of fire alarm systems, their initiating devices, and notification appliances must comply with the requirements of NFPA 72;
 - (b) Records of the inspection must be maintained for review by the department during survey; and
 - (c) Unless otherwise recommended by the manufacturer, single and multiple station smoke alarms installed in one and two family dwellings must be replaced when they fail to respond to operability tests, but must not remain in service longer than ten years from the date of manufacture.
- (8) If a fire protection system is installed, the owner or the owner's designated representative must be responsible for maintenance of the fire protection system, including:
- (a) The inspection, testing and maintenance of the fire protection system must be implemented in accordance with procedures meeting or exceeding those established in NFPA 25; and
 - (b) Valves designed to be open under normal system operation must be kept in open position and only closed with approval of the authority having jurisdiction.

(9) Portable space heaters are prohibited unless prior written approval from the local fire authority has been obtained and made available for review.

NEW SECTION

WAC 246-360-230 Rustic resorts. (1) These facilities must ensure compliance with:

- (a) The administrative regulations specified in:
 - (i) WAC 246-360-020 Licensure;
 - (ii) WAC 246-360-030 Responsibilities and rights - licensee and department;
 - (iii) WAC 246-360-500 Exemptions; and
 - (iv) WAC 246-360-990 Fees.
- (b) The environmental regulations specified in:
 - (i) WAC 246-360-040 Water supply and temperature control;
 - (ii) WAC 246-360-050 Sewage and liquid waste disposal;
 - (iii) WAC 246-360-070 (1), (4), (5), (6) and (7) Refuse and vectors;
 - (iv) WAC 246-360-100 (1-10) and (14) Bathrooms, water closets and hand washing sinks;
 - (v) WAC 246-360-130 Lighting; and
 - (vi) WAC 246-260-140 Ventilation.
- (c) The facilities regulations specified in:
 - (i) WAC 246-360-080 Construction and maintenance; and
 - (ii) WAC 246-360-090 Lodging units;
- (d) Safety related regulations specified in:
 - (i) WAC 246-360-200 Safety, chemical and physical hazards; and
 - (ii) WAC 246-360-220 Fire safety.
- (2) The following services may or may not be provided by rustic resorts:
 - (a) If all or part of the following sections are provided, the licensee must meet the requirements as specified in the following sections:
 - (i) WAC 246-360-100 (11), (12) and (13) Bathrooms, water closets and hand washing sinks;
 - (ii) WAC 246-360-110 Lodging unit kitchens;
 - (iii) WAC 246-360-120 Heating and cooling;
 - (iv) WAC 246-360-150 Beds and bedding;
 - (v) WAC 246-360-160 Food and beverage services; and
 - (vi) WAC 246-360-180 Laundry; or
 - (b) If any of the above sections are not provided, it must be adopted as written policy by the facility or as approved by the department.
 - (c) Rustic resorts may not advertise as providing services that are not provided.

NEW SECTION

WAC 246-360-250 Homeless shelters. These Facilities must ensure compliance with:

- (1) The administrative regulations specified in:
 - (a) WAC 246-360-020 Licensure;
 - (b) WAC 246-360-030 Responsibilities and rights - licensee and department;
 - (c) WAC 246-360-500 Exemptions; and
 - (d) WAC 246-360-990 Fees.
- (2) The environmental regulations specified in:

- (a) WAC 246-360-040 Water supply and temperature control;
- (b) WAC 246-360-050 Sewage and liquid waste disposal;
- (c) WAC 246-360-070 (4), (5) (6) and (7) Refuse and vectors; d) WAC 246-360-130 Lighting;
- (e) WAC 246-360-140 Ventilation;
- (f) WAC 246-360-100 Bathrooms, water closets and hand washing sinks; and
- (g) WAC 246-360-120 Heating and cooling.
- (3) The facilities regulations specified in:
 - (a) WAC 246-360-080 Construction and maintenance, and
 - (b) WAC 246-360-090 Lodging units.
- (4) The safety related section found in WAC 246-360-200 Safety, chemical and physical hazards and WAC 246-360-220, Fire safety.
- (5) Each facility must provide the guests with bed linens (top and bottom sheets, mattress pad, pillow, pillowcase and blanket as specified in WAC 246-360-150, Beds and bedding (2) and (5) through (8) or as specified by the facility's documented policy on bed linen and as approved by the department.
- (6) WAC 246-360-100 (1 through 9 and 14) Bathrooms, water closets, and hand washing sinks.
- (7) The following services may or may not be provided by homeless shelters, however, if any of these provisions are optional and not provided they must be adopted as written policy by the facility or as approved by the department. If all or part of these provisions do apply they must meet requirements as specified in these chapters:
 - (a) WAC 246-360-150 (1 through 4) Beds and bedding;
 - (b) WAC 246-360-160 Food and beverage services;
 - (c) WAC 246-360-180 Laundry;
 - (d) WAC 246-360-110 Lodging unit kitchens; and
- (e) WAC 246-360-100 (12 and 13) Bathrooms, water closets, and hand washing sinks.
- (8) For dormitory style lodging units:
 - (a) Beds should be placed so that persons do not sleep face to face with others; and
 - (b) Place beds three feet apart and assign guests to the same bed each night.
- (9) Provide sign in sheets for guests each day and retain sheets for three months.
- (10) If a facility accepts infants and toddlers, the licensee must provide a suitable and safe diaper changing area kept clean, sanitary and in good repair. In addition, the licensee must develop and provide to clients hygienic procedures for sanitizing the changing area, handling, storing and disposing of diapers.
- (11) All containers of hazardous materials such as cleaning supplies, solvents, paints, poisons, aerosol containers, etc. must be clearly labeled and must be stored as defined in WAC 246-360-200 safety, chemical, and physical hazards.

(12) Shelters may control access to legally owned controlled medications or other sensitive possessions of tenants. Tenants may be required to store items that the shelter deems unsafe to be introduced to the common spaces of the transient accommodation in locked storage provided by the shelter. The locked storage must be accessible only by the tenant or shelter staff at all hours. The locked storage may be separate from the general sleeping areas of the shelter, provided it may be accessed readily.

(a) The shelter may require tenants to permit shelter staff to verify the inventory of medications for purposes of assuring that drugs are not diverted from their intended purpose, thus creating a safety hazard to other tenants or staff;

(b) Policies regarding safe storage and inventory verification must be made known to the residents, in writing;

(c) If the shelter conducts inventories of resident property, at least two staff, or one staff and the resident, must be present when the resident's storage container is opened; and

(d) No shelter staff may assist tenants in the use or management of any medications in any manner.

(13) Shelters may employ licensed or registered nurses to provide nursing care for residents. Such nurses, while employees of the shelter, may not accept medical or nursing direction from the shelter. They must provide nursing care based on their own professional credentials.

(a) Shelters providing medical or nursing direction to staff are in violation of laws requiring the licensure of health care facilities; and

(b) Shelters will ensure that nurses do not re-package or "break-down" prescription medication for tenants, as such activity is in violation of the Nursing Practice Act.

(14) "Short-term homeless housing" means a facility established to provide a temporary overnight refuge to persons, including families, who, on any particular day or night, do not have a healthy and safe shelter or sufficient funds to purchase a place to stay. Typically, this type of temporary housing is located in churches, schools, city buildings, etc. Short-term homeless housing as defined in this chapter is exempt from these regulations.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-200, filed 11/16/94, effective 12/17/94. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-360-200, filed 12/27/90, effective 1/31/91; 89-11-058 (Order 328), § 248-144-211, filed 5/17/89.]

WAC 246-360-500 Exemptions. (1) A licensee may request an exemption from any requirement in this chapter by submitting a written request to the department, including:

(a) The number of the specific section, or sections, of the rule for which exemption is requested;

(b) An explanation of the circumstances involved;

(c) A proposed alternative that would ensure the safety and health of guests meeting the intent of the rule; and

- (d) Any supporting research or other documentation.
- (2)The department will grant or deny exemption requests after the department has received an exemption request with complete relevant information from the licensee. After review and consideration, the exception may be granted if it will not:
- (a) Negate the purpose and intent of these rules;
 - (b) Place the safety or health of the guests in the facility in jeopardy;
 - (c) Lessen any fire and life safety or infection control provision of other codes or regulations; and
 - (d) Affect any structural integrity of the building.
- (3)The exemption decision will be documented and kept as a part of the current facility file. The licensee must maintain the documented exemption decision on file in the facility.

[Statutory Authority: RCW 70.62.240. 94-23-077, § 246-360-500, filed 11/16/94, effective 12/17/94.]

WAC 246-360-990 Fees. (1) The licensee or applicant must submit:

- (a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITSFEE

3 - 10\$ 150.00
11 - 49\$ 300.00
50 - over\$ 600.00

- (b) A late fee of fifty dollars, in addition to the full license renewal fee, if the full license renewal fee is not delivered or mailed to the department at least thirty days prior to the license expiration date;
- (c) An additional fee of fifty dollars for an amended license due to changing the number of lodging units or the name of the transient accommodation.
- (2) The department shall refund fees only when all the following conditions are met:
- (a) A prospective new owner applies for initial licensure prior to taking ownership as required by WAC 246-360-020 (4)(b);
 - (b) Transfer of ownership is not finalized;
 - (c) The applicant requests a refund in writing; and
 - (d) The department receives the fee and the request for refund in the same biennium.

[Statutory Authority: RCW 43.70.250 and 2002 c 371. 02-18-115, § 246-360-990, filed 9/4/02, effective 10/5/02. Statutory Authority: RCW 70.62.220, 43.70.110 and 43.70.250. 01-15-093, § 246-360-990, filed 7/18/01, effective 8/18/01; 99-23-015, § 246-360-990, filed 11/5/99, effective 12/6/99. Statutory Authority: RCW 43.70.110 and 43.70.250. 94-21-016, § 246-360-990, filed 10/6/94, effective 11/6/94. Statutory Authority: RCW 70.62.220, 70.62.230 and 43.70.250. 92-21-089 (Order 312), § 246-360-990, filed 10/21/92, effective 11/21/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-360-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 87-17-045 (Order 2524), § 440-44-075, filed 8/17/87; 85-12-029 (Order 2236), § 440-44-075, filed 5/31/85. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-075, filed 6/4/82.]